



General Assembly

February Session, 2000

Raised Bill No. 491

LCO No. 2023

Referred to Committee on Labor and Public Employees

Introduced by:
(LAB)

An Act Concerning Workers' Compensation Commissioners.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (b) of section 31-280 of the general statutes is
2 repealed and the following is substituted in lieu thereof:

3 (b) The chairman of the Workers' Compensation Commission shall:

4 (1) Establish workers' compensation districts and district offices
5 within the state, assign compensation commissioners to the districts to
6 hear all matters arising under this chapter within the districts and may
7 reassign compensation commissioners once each year, except that
8 when there is a vacancy, illness or other emergency, or when
9 unexpected caseload increases require, the chairman may reassign
10 compensation commissioners more than once each year;

11 (2) Adopt such rules as the chairman, in consultation with the
12 advisory board, deems necessary for the conduct of the internal affairs
13 of the Workers' Compensation Commission;

14 (3) Adopt regulations, in consultation with the advisory board and
15 in accordance with the provisions of chapter 54, to carry out [his] the

16 chairman's responsibilities under this chapter;

17 (4) Prepare and adopt an annual budget and plan of operation in
18 consultation with the advisory board;

19 (5) Prepare and submit an annual report to the Governor and the
20 General Assembly;

21 (6) Allocate the resources of the commission to carry out the
22 purposes of this chapter;

23 (7) Establish an organizational structure and such divisions for the
24 commission, consistent with this chapter, as the chairman deems
25 necessary for the efficient and prompt operation of the commission;

26 (8) Establish policy for all matters over which the commission has
27 jurisdiction, including rehabilitation, education, statistical support and
28 administrative appeals;

29 (9) Appoint such supplementary advisory panels as the chairman
30 deems necessary and helpful;

31 (10) Establish, in consultation with the advisory board, (A) an
32 approved list of practicing physicians, surgeons, podiatrists,
33 optometrists and dentists from which an injured employee shall
34 choose for examination and treatment under the provisions of this
35 chapter, which shall include, but not be limited to, classifications of
36 approved practitioners by specialty, and (B) standards for the approval
37 and removal of physicians, surgeons, podiatrists, optometrists and
38 dentists from the list by the chairman;

39 (11) (A) Establish standards in consultation with the advisory board
40 for approving all fees for services rendered under this chapter by
41 attorneys, physicians, surgeons, podiatrists, optometrists, dentists and
42 other persons;

43 (B) In consultation with employers, their insurance carriers, union

44 representatives, physicians and third-party reimbursement
45 organizations establish, not later than October 1, 1993, and publish
46 annually thereafter, a fee schedule setting the fees payable by an
47 employer or its insurance carrier for services rendered under this
48 chapter by an approved physician, surgeon, podiatrist, optometrist or
49 dentist, provided the fee schedule shall not apply to services rendered
50 to a claimant who is participating in an employer's managed care plan
51 pursuant to section 31-279. The fee schedule shall limit the annual
52 growth in total medical fees to the annual percentage increase in the
53 consumer price index for all urban workers. Payment of the
54 established fees by the employer or its insurance carrier shall
55 constitute payment in full to the practitioner, and the practitioner may
56 not recover any additional amount from the claimant to whom services
57 have been rendered;

58 (C) Issue, not later than October 1, 1993, and publish annually
59 thereafter, guidelines for the maximum fees payable by a claimant for
60 any legal services rendered by an attorney in connection with the
61 provisions of this chapter, which fees shall be approved in accordance
62 with the standards established by the chairman pursuant to
63 subparagraph (A) of this subdivision;

64 (12) Approve applications for employer-sponsored medical care
65 plans, based on standards developed in consultation with a medical
66 advisory panel as provided in section 31-279;

67 (13) Establish procedures for the hiring, dismissing or otherwise
68 disciplining and promoting employees of the commission, subject
69 where appropriate to the provisions of chapter 67;

70 (14) Control the hearing calendars of the compensation
71 commissioners, and if necessary, preside over informal hearings in
72 regard to compensation under the provisions of this chapter in order to
73 facilitate the timely and efficient processing of cases;

74 (15) Enter into contracts with consultants and such other persons as

75 necessary for the proper functioning of the commission;

76 (16) Direct and supervise all administrative affairs of the
77 commission;

78 (17) Keep and maintain a record of all advisory board proceedings;

79 (18) Assign and reassign a district manager and other staff to each of
80 the commission's district offices;

81 (19) Collect and analyze statistical data concerning the
82 administration of the Workers' Compensation Commission;

83 (20) Direct and supervise the implementation of a uniform case
84 filing and processing system in each of the district offices that will
85 include, but not be limited to, the ability to provide data on the
86 number of cases having multiple hearings, the number of postponed
87 hearings and hearing schedules for each district office;

88 (21) Establish staff development, training and education programs
89 designed to improve the quality of service provided by the
90 commission, including, but not limited to, a program to train district
91 office staff in the screening of hearing requests;

92 (22) Develop standard forms for requesting hearings and standard
93 policies regarding limits on the number of informal hearings that will
94 be allowed under this chapter, and limits on the number of
95 postponements that will be permitted before a formal hearing is held
96 pursuant to section 31-297;

97 (23) Develop guidelines for expediting disputed cases;

98 (24) Establish an ongoing training program, in consultation with the
99 advisory board, designed to assist the commissioners in the fulfillment
100 of their duties pursuant to the provisions of section 31-278, which
101 program shall include instruction in the following areas: Discovery,
102 evidence, statutory interpretation, medical terminology, legal decision

103 writing and the purpose and procedures of informal and formal
104 hearings;

105 [(25) Evaluate, in conjunction with the advisory board, the
106 performance of each commissioner biannually and, notwithstanding
107 the provisions of subsection (b) of section 1-210 and chapter 55, make
108 the performance evaluation of any commissioner available only to the
109 Governor, the members of the joint standing committee on the
110 judiciary and the respective commissioner prior to any public hearing
111 on the reappointment of any such commissioner. Any information
112 disclosed to such persons shall be used by such persons only for the
113 purpose for which it was given and shall not be disclosed to any other
114 person;]

115 [(26)] (25) (A) In consultation with insurers and practitioners,
116 establish not later than October 1, 1993, and publish annually
117 thereafter, practitioner billing guidelines for employers, workers'
118 compensation insurance carriers and practitioners approved by the
119 chairman pursuant to subdivision (10) of this subsection. The
120 guidelines shall include procedures for the resolution of billing
121 disputes and shall prohibit a practitioner from billing or soliciting
122 payments from a claimant for services rendered to the claimant under
123 the provisions of this chapter (i) during a payment dispute between
124 the practitioner and the employer or its workers' compensation
125 insurance carrier, or (ii) in excess of the maximum fees established
126 pursuant to subparagraph (B) of subdivision (11) of this subsection;

127 (B) In consultation with practitioners and insurers, develop not later
128 than July 1, 1994, practice protocols for reasonable and appropriate
129 treatment of a claimant under the provisions of this chapter, based on
130 the diagnosis of injury or illness. The commission shall annually
131 publish the practice protocols for use by approved practitioners,
132 employers, workers' compensation insurance carriers and
133 commissioners in evaluating the necessity and appropriateness of care
134 provided to a claimant under the provisions of this chapter;

135 (C) In consultation with practitioners and insurers, develop not later
136 than July 1, 1994, utilization review procedures for reasonable and
137 appropriate treatment of a claimant under the provisions of this
138 chapter. The chairman shall annually publish the procedures for use
139 by approved practitioners, employers, workers' compensation
140 insurance carriers and commissioners in evaluating the necessity and
141 appropriateness of care provided to a claimant under the provisions of
142 this chapter.

143 Sec. 2. Section 31-280a of the general statutes is repealed and the
144 following is substituted in lieu thereof:

145 (a) There shall be an Advisory Board of the Workers' Compensation
146 Commission to advise the chairman on matters concerning policy for
147 and the operation of the commission. The advisory board shall consist
148 of eight members, who shall be appointed by the Governor, with the
149 advice and consent of the General Assembly. Four of such members
150 shall represent employees and four shall represent employers. One of
151 such members representing employees shall be an individual who has
152 suffered an extensive disability arising out of and in the course of [his]
153 employment. One of such members representing employers shall be a
154 representative of a major general hospital in the state. On or before
155 January 1, 1992, the Governor shall appoint, and the General Assembly
156 shall confirm, such members of the advisory board as follows: Two
157 shall serve a term of four years from said date, one of whom shall
158 represent employees and one of whom shall represent employers; two
159 shall serve a term of three years from said date, one of whom shall
160 represent employees and one of whom shall represent employers; two
161 shall serve a term of two years from said date, one of whom shall
162 represent employees and one of whom shall represent employers; and
163 two shall serve a term of one year from said date, one of whom shall
164 represent employees and one of whom shall represent employers.
165 Thereafter such members shall be appointed for a term of four years
166 from January first in the year of their appointment. Any vacancy on
167 the advisory board shall be filled for the remainder of the term in the

168 same manner as the original appointment. The chairman of the
169 Workers' Compensation Commission shall serve as an ex-officio
170 member of the advisory board without the power to vote.

171 (b) The appointed members of the advisory board shall select a
172 ninth member who shall be impartial and shall serve as the chairman
173 of the advisory board. The members of the advisory board shall serve
174 without compensation. Each member shall be reimbursed for expenses
175 necessarily incurred by the member in the performance of [his] the
176 member's duties. The advisory board shall not be construed to be a
177 board or commission subject to the provisions of section 4-9a. The
178 Workers' Compensation Commission shall provide such staff as is
179 necessary for the performance of the functions and duties of the
180 advisory board.

181 (c) The advisory board shall meet at least twice in each calendar
182 quarter and at such other times as the chairman or the chairman of the
183 Workers' Compensation Commission deem necessary. All actions of
184 the advisory board shall require the affirmative vote of six members of
185 the advisory board. The advisory board may bring any matter related
186 to the operation of the workers' compensation system to the attention
187 of the chairman of the Workers' Compensation Commission. The
188 advisory board may adopt any rules of procedure that the board
189 deems necessary to carry out its duties under this chapter.

190 [(d) The advisory board shall submit its written recommendations
191 concerning the reappointment of each compensation commissioner to
192 the Governor and the General Assembly not later than three months
193 before the expiration of the term of the commissioner.]

Statement of Purpose:

To establish a more uniform method for evaluating and reappointing workers' compensation commissioners by utilizing the same methods used for judges and family support magistrates.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]